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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,225	02/24/2004	Nicolas Neyret	Q79932	1584

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/784,225

Applicant(s)

NEYRET ET AL.

Examiner

Anthony S. Addy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's request filed on October 04, 2006 for reconsideration of the finality of the rejection of the last Office action and, therefore, the finality of that action is withdrawn. Prosecution is hereby reopened. New grounds of rejections are set forth below. **Claims 1-5 and 7** are pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to **claims 1-5 and 7** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the Applicant regards as his invention.

4. **Claims 1-5 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding **claims 1 and 7**, the phrase "network type" on line 3 of claim 1 and on line 4 of claim 7, renders the claims indefinite because the addition of the word "type" to an otherwise definite expression (e.g., network) extends the scope of the expression so as to render it indefinite (*Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955)). See MPEP § 2173.05(b).

Regarding **claims 2, 3, 4 and 5**, being dependent on parent claim 1, the claims include the same issues explained above and therefore claims 2, 3, 4 and 5 are rejected for the same reasons as explained above.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 2, 3, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Amereller et al., U.S. Publication Number 2001/0039188 A1 (hereinafter Amereller)** and further in view of **Shaffer et al., U.S. Patent Number 6,477,374 (hereinafter Shaffer)**.

Regarding claim 1, Amereller teaches a method enabling a mobile user having a terminal at least able to connect to a base station (BS2) (see p. 2 [0022] and Fig. 1; shows a mobile terminal (MEG) at least able to connect to a base stations BS1 & BS2 in radio cells FZ1 & FZ2) and another terminal at least able to a connect to a base station (BS1) in a wireless local area network and forming a part of a private network (see p. 2 [0023-0024] and Fig. 1; shows a tabletop terminal (TEG) at least able to connect to a base station BS1 in radio cell FZ1 [i.e. the base station BS1 in radio cell FZ1 reads on a wireless local area network and forming a part of a private network, since Amereller teaches base station BS1 is a home base station and base station BS1 may also be in the form of a so-called Bluetooth standard]), to switch between said base station (BS2) and said private network to receive calls through a network more suited for receiving

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calls based on the user's location (see p. 2 [0022 & 0027] and p. 3 [0030-0032]), the method comprising: determining if said terminal able to connect to said wireless local area network is present in a coverage area of said wireless local area network (see paragraph 0012, line 1 through paragraph 0014, line 7, paragraph 0027, lines 1-9 and paragraph 0030, lines 1-11); and activating call forwarding to a predetermined call forwarding number if said terminal at least able to connect to the wireless local area network is present in said coverage area of said wireless local area network, and deactivating call forwarding if said terminal is no longer present in said coverage area of said wireless local area network (see paragraph 0027, line 1 through paragraph 0031, line 26); wherein the activating call forwarding further comprises: determining the location of the user in one of a plurality of cells of said wireless local area network (see paragraph 0010, line 1 through paragraph 0011, line 14, paragraph 0027, lines 1-9 and paragraph 0031, lines 18-26); reading a plurality of call forwarding numbers stored in a table at an address corresponding to said user (see paragraph 0025, line 6 through paragraph 0026, line 14, paragraph 0031, lines 1-14, paragraph 0033, lines 1-11 and Figures 1 & 2; shows a call diversion table TAB); and selecting one of said call forwarding numbers based on a presence indication of the user, the presence indication designating one of the plurality of cells within said wireless local area network (see paragraph 0029, line 1 through paragraph 0033, line 22).

Amereller further teaches the base stations (BS1 & BS2) may belong to **different radio networks** (see p. 2 [0015 & 0024]) and teaches the invention also makes it possible to control call diversions to any other desired terminals which may also belong

to a ***different communications system*** than that of the switching device V (see p. 3 [0033]), but fails to explicitly teach said base station (BS2) belongs to a public land mobile network which is of a different network type from said base station (BS1) in a wireless local area network forming a part of a private network, and switching between a public land mobile network and a private network.

In an analogous field of endeavor, Shaffer teaches an apparatus and method for a calendar based call routing, wherein the system includes a private wireless network, a public network, a stationary telephone and one or more wireless communication devices configured for use in either the private wireless network or the public wireless network (see col. 4, line 24 through col. 5, line 18 and Fig. 2; shows a private wireless network 204 and a public wireless network 206 in communication with a stationary telephone 207 and one or more wireless communication devices 202). According to Shaffer, assume, for example, that a call is in progress on the public wireless network and the user enters a region serviced by the private wireless network, the call can be switched to the private wireless network (see col. 7, lines 29-67).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Amereller with the teachings of Shaffer, to include a method of switching between a public land mobile network and a private network to receive calls, in order to automatically route calls to a user as a function of the user's current position and most accessible network as taught by Amereller and Shaffer (see *Amereller*, p. 1 [0007] and *Shaffer*, col. 2, lines 45-65).

Regarding claim 2, Amereller in view of Shaffer teaches all the limitations of claim 1. In addition, Amereller teaches a method, further comprising writing in said table, for each user authorized to receive calls via the network more suited to his location (see paragraph 0025, line 6 through paragraph 0026, line 4 and paragraph 0033, lines 1-11): a number specific to said terminal at least able to connect to a public land mobile network and enabling said terminal to be called in said public land mobile network (see paragraph 0026, lines 1-4 and paragraph 0033, lines 1-11), a plurality of call forwarding numbers corresponding to a plurality of respective cells of said wireless local area network in which said user may be located (see paragraph 0032, line 1 through paragraph 0033, line 22), and a presence indication designating one of a plurality of cells constituting said wireless local area network (see paragraph 0025, line 6 through paragraph 0028, line 5 and paragraph 0033, lines 1-22).

Regarding claim 3, Amereller in view of Shaffer teaches all the limitations of claim 2. In addition, Amereller teaches a method, further comprising writing in a table of an application server a new presence indication for each user whose location has changed (see paragraph 0034, line 1 through paragraph 0035, line 9).

Regarding claim 4, Amereller in view of Shaffer teaches all the limitations of claim 1. In addition, Amereller teaches a method, wherein a call forwarding number corresponds to a terminal of a fixed network (see paragraph 0025, lines 6-13, paragraph 0026, lines 1-4 and paragraph 0029, lines 1-10).

Regarding claim 7, Amereller teaches an application server which commands activation or deactivation of call forwarding (see paragraph 0022, lines 1-4, paragraph

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0025, lines 1-6, paragraph 0026, lines 1-14 and Figures 1 & 2; shows a switching device V, which is used to control the setting up of connections and the routing of connections to mobile terminals automatically via base stations which are connected to it and which reads on an application server), the call forwarding enabling a mobile user having a terminal at least able to connect to a base station (BS2) (see p. 2 [0022] and Fig. 1; shows a mobile terminal (MEG) at least able to connect to a base stations BS1 & BS2 in radio cells FZ1 & FZ2) and another terminal at least able to a connect to a base station (BS1) in a wireless local area network and forms a part of a private network to receive calls through a network more suited for receiving calls based on the user's location (see p. 2 [0022-0024 & 0027] p. 3 [0030-0032] and Fig. 1; shows a tabletop terminal (TEG) at least able to connect to a base station BS1 in radio cell FZ1 [i.e. the base station BS1 in radio cell FZ1 reads on a wireless local area network and forming a part of a private network, since Amereller teaches base station BS1 is a home base station and base station BS1 may also be in the form of a so-called Bluetooth standard]), the server comprising: an activation unit which sends the base station (BS2) a call forwarding activation message if the terminal at least able to connect to the wireless local area network is present in a coverage area of the wireless local area network, wherein the call forwarding activation message comprises a call forwarding number with which the terminal at least able to connect to the wireless local area network can be called (see p. 2 [0026] and p. 3 [0029-0036]); and a deactivation unit which sends the base station (BS2) a call forwarding deactivation message if the terminal at least able to connect to the wireless local area network is no longer present

in the coverage area of the wireless local area network, wherein the call forwarding deactivation message comprises a number specific to a terminal at least able to connect to a base station (BS2) and the other number through which the user can be called through base station (BS2) (see p. 2 [0026] and p. 3 [0029-0036]); wherein the activation unit further comprises: a table which contains a plurality of call forwarding numbers for each user, where the table contains the call forwarding number for at least one user (see paragraph 0025, line 6 through paragraph 0026, line 14, paragraph 0031, lines 1-14, paragraph 0033, lines 1-11 and Figures 1 & 2; shows a call diversion table TAB); and a selection unit which selects one of the plurality of call forwarding numbers based on a presence indication of the user where the presence indication designates one of a plurality of cells within the wireless local area network where the user is present (see paragraph 0029, line 1 through paragraph 0033, line 22).

Amereller further teaches the base stations (BS1 & BS2) may belong to **different radio networks** (see p. 2 [0015 & 0024]) and teaches the invention also makes it possible to control call diversions to any other desired terminals which may also belong to a **different communications system** than that of the switching device V (see p. 3 [0033]), but fails to explicitly teach said base station (BS2) belongs to a public land mobile network which is of a different network type from said base station (BS1) in a wireless local area network forming a part of a private network, and switching between a public land mobile network and a private network.

In an analogous field of endeavor, Shaffer teaches an apparatus and method for a calendar based call routing, wherein the system includes a private wireless network, a

public network, a stationary telephone and one or more wireless communication devices configured for use in either the private wireless network or the public wireless network (see col. 4, line 24 through col. 5, line 18 and Fig. 2; shows a private wireless network 204 and a public wireless network 206 in communication with a stationary telephone 207 and one or more wireless communication devices 202). According to Shaffer, assume, for example, that a call is in progress on the public wireless network and the user enters a region serviced by the private wireless network, the call can be switched to the private wireless network (see col. 7, lines 29-67).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Amereller with the teachings of Shaffer, to include a method of switching between a public land mobile network and a private network to receive calls, in order to automatically route calls to a user as a function of the user's current position and most accessible network as taught by Amereller and Shaffer (see *Amereller*, p. 1 [0007] and *Shaffer*, col. 2, lines 45-65).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Amereller et al., U.S. Publication Number 2001/0039188 A1 (hereinafter Amereller)** and **Shaffer et al., U.S. Patent Number 6,477,374 (hereinafter Shaffer)** as applied to claim 1 above, and further in view of **Graham, U.S. Publication Number 2003/0060215 A1 (hereinafter Graham)**.

Regarding claim 5, Amereller in view of Shaffer teaches all the limitations of claim 1. Amereller further teaches a method of determining if the location of the user is

present in or absent from the coverage area of said wireless local area network (see paragraph 0010, line 1 through paragraph 0014, line 7, paragraph 0027, lines 1-9 and paragraph 0030, lines 1-11).

Amereller in view of Shaffer fails to explicitly teach a method of obtaining successively from each radio access point of a wireless local area network a number of terminals present in the radio access point coverage area; obtaining an identifier specific to a terminal from each terminal present in the coverage area of each radio access point; and receiving and storing said identifiers and comparing them with identifiers previously stored to determine which terminals have become present and which terminals have become absent in the coverage area of said wireless local area network.

Graham, however, teaches a method of providing presence and location information of subscribers of a wireless communication system in a geographic area on a subscriber's wireless mobile station (see paragraph 0006, lines 1-5 and Fig. 4), the method comprising: obtaining successively from each radio access point of a wireless local area network a number of terminals present in the radio access point coverage area; obtaining an identifier specific to a terminal from each terminal present in the coverage area of each radio access point (see paragraph 0053, line 1 through paragraph 0055, line 10 and paragraph 0058, line 1 through paragraph 0062, line 3); and receiving and storing said identifiers and comparing them with identifiers previously stored to determine which terminals have become present and which terminals have

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become absent in the coverage area of said wireless local area network (see paragraph 0063, lines 1-17 and Fig. 4).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Amereller and Shaffer with Graham, in order to determine the number of subscribers in each cell of a geographic area, and provide an image indicating the presence and locations of subscribers of a wireless communication system in a geographic area on a subscriber's wireless mobile station as per the teachings of Graham (see paragraph 0006, lines 1-5).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.A



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